

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Horst HEIRLER



Title: USE OF MEDIUM-CHAIN  
TRIGLYCERIDES (MCT) FOR  
OPTIMISATION AS TO NUTRITION  
PHYSIOLOGY OF THE FATTY ACID  
SPECTRUM IN A DIETARY FOODSTUFF  
FOR DIABETICS

Appl. No.: 10/717,990

Filing Date: 11/21/2003

Examiner: L.A. Royds

Art Unit: 1614

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

10/28/2005 JADDO1 00000101 10717990

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**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

**RELEVANCE OF EACH DOCUMENT**

All of the documents are in English.

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

**FEE**

A fee in connection with submission of an information disclosure statement under 37 CFR §1.97(c) in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or

even entirely missing, the Commissioner is authorized to charge the unpaid amount to  
Deposit Account No. 19-0741.

Respectfully submitted,

*Michael M. Peet*

By Reg. No. 34,717

Date Oct 27, 2005  
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<p>Substitute for form 1449B/PTO</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p>Date Submitted: October 27, 2005 (use as many sheets as necessary)</p>				<p><b>Complete if Known</b></p>	
Sheet	1	of	2	Application Number	10/717,990
				Filing Date	11/21/2003
				First Named Inventor	Horst HEIRLER
				Group Art Unit	USPTO_ART_UNIT
				Examiner Name	USPTO_EXAMINER
				Attorney Docket Number	028622-0125

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
O I P E	1403					
OCT 27 2005	SEARCHED					
PP	EXCE					

## FOREIGN PATENT DOCUMENTS

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A1	GARG, A. et al., "Management of dyslipidemia in NIDDM" Diabetes Care, Vol. 13, No. 2, 1990, pp. 153-69., PubMed Abstract 2190770.	
	A2	HIUKKA, A. et al., "Alterations of lipids and apolipoprotein CIII in very low density lipoprotein subspecies in type 2 diabetes," Diabetologia, Vol. 48, No. 6, 2005, pp. 1207-15, PubMed Abstract 15864534	
	A3	O'BRIEN, T. et al., "Hyperlipidemia and diabetes mellitus," Mayo Clinic Proc., Vol. 73, No. 10, 1998, pp. 969-76, PubMed Abstract 9787748	
	A4	SIEGEL, R.D. et al., "Lipoproteins, apolipoproteins, and low-density lipoprotein size among diabetes in the Framingham offspring study, Metabolism, Vol. 45, No. 10, 1996, pp. 1267-72, PubMed Abstract 8843183.	
	A5	"Dyslipidemia Management in Adults with Diabetes," American Diabetes Association, Diabetes Care, Vol. 27, Supplement 1, January 2004, pp. S68-S70.	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450